

UNITED STATES U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MODION MARITIME MANAGEMENT SA,
individually and on behalf of
M/V STEFANOS T (IMO No. 9583744),

Plaintiff,

-against-

O.W. BUNKER MALTA LIMITED, O.W.
BUNKER MIDDLE EAST DMCC, GPS
CHEMOIL LLC FZC, CHEMOIL MIDDLE EAST
DMCC, ING BANK N.V.

Defendants.

15-CV-8084 (VEC)

WESTERN BULK CARRIERS AS and
WESTERN BULK CHARTERING AS
individually and on behalf of
M/V LONG LUCKY (IMO No. 9471654)

Plaintiffs,

-against-

O.W. BUNKER & TRADING A/S, O.W. SUPPLY
& TRADING A/S, U.S. OIL TRADING, LLC
AND ING BANK N.V.

Defendants.

15-CV-8304 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 7, 2016, ING Bank N.V. (“ING”) filed a motion to dismiss the complaint for lack of personal jurisdiction or in the alternative to compel arbitration in *Modion Maritime Management SA et al. v. O.W. Bunker Malta Limited et al.* (“Modion”), 15-CV-8084, Dkt. 31;

WHEREAS on March 7, 2016, ING filed a motion to compel arbitration in *Western Bulk Carriers AS v. O.W. Bunker & Trading A/S et al.* (“*Western Bulk*”), 15-CV-8304, Dkt. 27;

WHEREAS on March 3, 2017, *Modion*, 15-CV-8084, and *Western Bulk*, 15-CV-8304, were stayed pending litigation of other test cases, 14-CV-9287, Dkt. 229 (staying the related cases);

WHEREAS on April 22, 2021, the parties appeared for oral argument on both sets of motions; and

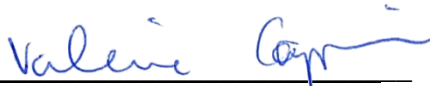
WHEREAS on April 22, 2021, the Court denied ING’s motion to dismiss the complaint for lack of personal jurisdiction in *Modion*, 15-CV-8084, and lifted the stays in both matters, Dkt. 77;

IT IS HEREBY ORDERED that for the reasons stated at the hearing, ING’s motions to compel arbitration in both matters are DENIED. *See* Tr., 15-CV-8304, Dkt. 89 at 27–37; Tr., 15-CV-8084, Dkt. 80 at 27–37.

The Clerk of Court is respectfully directed to close the open motions at 15-CV-8304, Dkt. 27 and 15-CV-8084, Dkt. 31.

SO ORDERED.

Date: May 10, 2021
New York, New York


VALERIE CAPRONI
United States District Judge